

# NORTHERN CALIFORNIA TEAMSTER

## Taking a Giant Step Backward

### Anti-Labor Workers' Comp Bills in the Works

By Stewart N. Boxer  
Jewel, Boxer & Elkind

Now pending before the California legislature are the most anti-labor workers' compensation bills I have read in my ten years of practicing law and handling industrial accident cases.

It is my feeling that if any of these bills are passed by the state legislature and signed into law by the governor, California will have taken a giant step backward into the Dark Ages with regard to its treat-

ment of industrially injured workers.

Set out below is a brief summary of the bills presently pending before the California legislature.

It is incumbent upon every working man and woman of this state to write his or her state assemblyman and state senator and demand that they vote against these bills.

Passage of these bills will eliminate the rights of workers to benefits for "cumulative injury" or occupational disease.

The bills Mr. Boxer writes about are ABs 1665, 1728, 1968, 1988, 1958 and SBs 864, 924 and 1291.

We cannot say what "itinerary" the bills will take, but the key legislators to write to are: Alister McAlister, Bruce Young, Art Agnos, Tom Bane, Paul Bannai, Victor Calvo, LeRoy Greene, Eugene Gualco, Richard Hayden, Walter Ingalls, Bill Lancaster, John Miller, Bruce Nestande, Louis J. Papen and Richard Robinson.

Address letters to them at State Capitol, Sacramento, CA 95814.

The bills are Senate Bills 864, 924 and 1291; and Assembly Bills 1665, 1728, 1958, 1968, and 1988. They must be defeated.

#### What Are Cumulative Injuries and Occupational Diseases?

Cumulative injuries and occupational diseases refer essentially to the same type of injuries. They are the result of exposure over a period of time to hazards or stresses at work whose effects appear only with the passage of time, often many years after the last exposure on the job.

Originally, these terms were applied to cases such as those of mine workers who breathed

harmful substances such as sand, or dust, which damaged the lungs. However, as medical science advanced, other areas of industrial harm from exposure to such substances as asbestos and pesticides have been recognized.

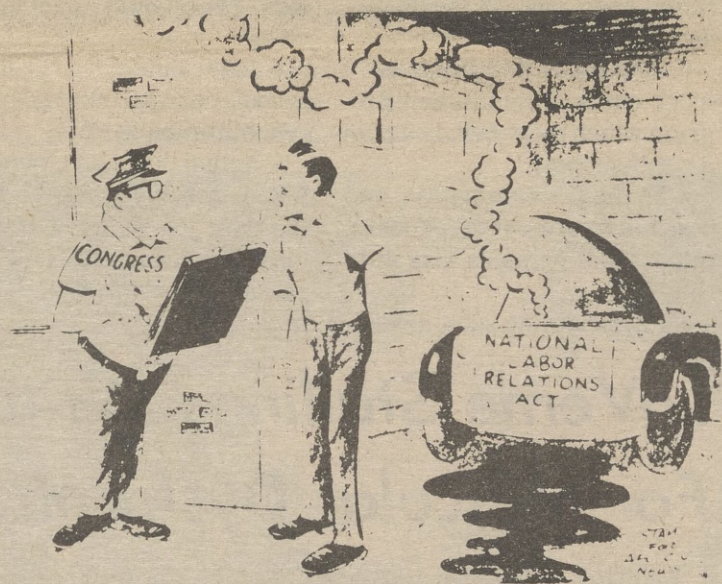
With the passage of time, medical science now recognizes as work-related the cumulative effects of job-related activity or exposure as causing or aggravating back trouble, hernia, ulcer, heart trouble, mental conditions, emphysema, tuberculosis, San Joaquin Valley fever, skin conditions, hearing loss and many other conditions which affect the human body. Presently, the worker must prove his or her cumulative injury case in the same manner as for a specific injury.

This legislation would set up special tests for all cumulative injuries and disease cases which could not be met except in a very few cases. This would be a throw-back of 50 or 60 years in rights of the injured worker.

Under the new test, the exposure or hazard would have to be "peculiar" to the occupation and industry and not to the public in general.

It would have to be a  
(To Page 5)

#### The National Labor Relations Act Needs a Good Tune-Up



So keep those letters going to  
your U.S. Senators

Who will deliberate on Labor Law Reform  
early this coming year

## New Survey Shows Exposure Hazards

One out of four employees, while on the job, is exposed to some substance that could cause illness or death, according to a survey conducted by the National Institute of Occupational Safety and Health.

NIOSH studied 4,636 plants employing nearly a million workers. The complete results will be published in two or three months, but the Bureau of National Affairs reports that among the findings are:

- Only 3.1 percent of all facilities, employing 24.2 percent of the workers, had set up industrial hygiene services to recognize harmful environmental factors and prescribe

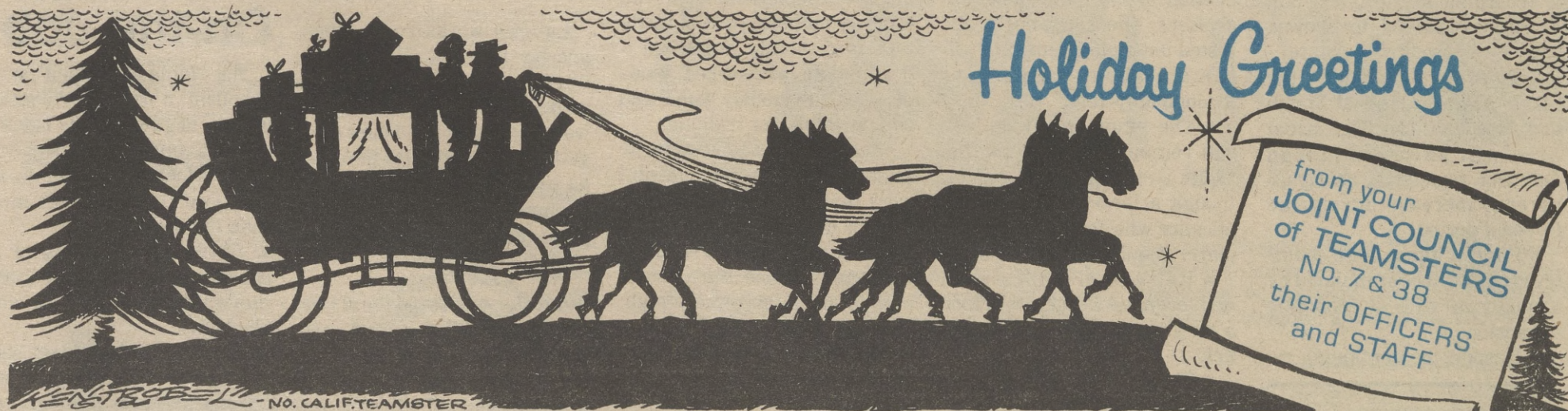
techniques to reduce them.

- Hundreds of thousands of workers were exposed to substances believed to cause cancer or other fatal diseases. Of approximately 83,000 workers exposed to asbestos, for instance, 90 percent worked without protective equipment or engineering controls, while of 48,000 employees exposed to benzene 55 percent worked in uncontrolled environments.

- A large proportion of employees exposed to harmful substances apparently were not given periodic medical tests to determine whether their health had been impaired.

#### Meeting Notice

The January meeting of  
Joint Council No. 7 will be  
held Tuesday, January 3,  
at 1269 Howard St., San  
Francisco.



# Union Membership in U.S. Shows Downtrend

Latest figures from the Bureau of Labor Statistics show the enormity of the task unions face in organizing the unorganized.

According to preliminary estimates, union membership in the United States declined by about 4 percent between 1974 and 1976. It was the first drop in union membership since the 1960-62 reporting period.

In actual membership, the drop was from about 20.2 million to about 19.4 million.

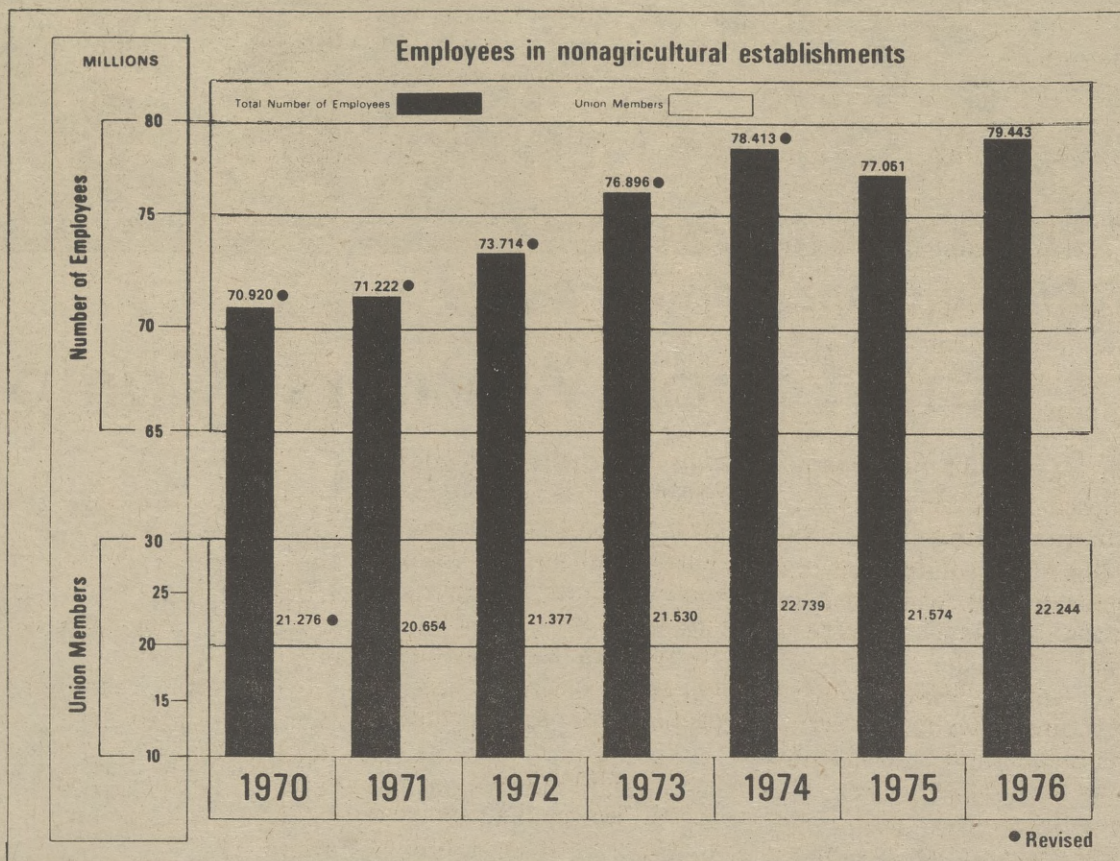
The largest growth in membership was recorded by the National Education Association (NEA), which is now the second largest group—after the Teamsters—in the country.

The Labor Department attributes the decline in union membership to the state of the

economy, especially in manufacturing and construction. It says average production work employment dropped by about 1.4 million workers.

During 1974-76, the total labor force in the country and overall non-agricultural employment continued to grow. Thus the figures show that the number of workers represented by labor organizations declined from 21.7 percent of the labor force in 1974 to 20.1 percent in 1976. The non-agricultural union penetration rate fell from 25.8 percent to 24.5 percent over the same period.

Union membership represented 23.2 percent of the labor force in 1976 and 28.3 percent of employment in non-agricultural establishments.



## Labor Studies Program

The Labor Studies Program of San Francisco City College is offering ten courses in labor education for the Spring Semester, beginning January 30, 1978.

The courses are available free of charge to interested union members and may be taken for three units of college credit. A certificate in labor studies is awarded to students completing twenty-one units, and units are applicable to both an Associate of Arts and Bachelor of Arts Degree.

Instructors throughout the program are from the ranks of labor.

The class offering for the Spring Semester are as follows:

**The American Labor Movement**—LABR. 70; meets Tuesday, 7-10 p.m., begins January 31.

**Labor and Politics**—LABR. 71; meets Thursday, 7-10 p.m., begins February 2.

**Labor and The Law**—LABR. 72; Section 1, meets Monday, 7-10 p.m., begins January 30; Section 2, meets Wednesday,

7-10 p.m., begins February 1.

**Labor Relations And Collective Bargaining**—LABR. 73B; meets Wednesday, 7-10 p.m., begins February 1.

**Economics For Labor And Community Leadership**—LABR. 74; meets Monday, 7-10 p.m., begins January 30.

**Grievance Handling And Arbitration**—LABR. 77; meets Thursday, 7-10 p.m., begins February 2.

**Women In The Labor Force**—LABR. 78; Section 1, meets Thursday, 7-10 p.m., begins February 2; Section 2, meets Tuesday, Thursday 9:30-11 a.m., begins January 31.

**Health And Safety In The Workplace**—LABR. 79; meets Wednesday, 7-10 p.m., begins February 1.

Interested members not currently enrolled at City College of San Francisco must make application by December 18, 1977. For additional information and assistance, please call LABOR STUDIES PROGRAM at (415) 239-3090.

## Forecast Manpower Needs

According to the latest San Francisco-Oakland manpower review released by the State:

- Total employment in the San Francisco-Oakland Standard Metropolitan Statistical Area will advance through July 1978, registering nearly a 3 percent increase during the forecast period.

- Payroll gains in all industry groups will be stimulated by a moderate rate of economic expansion.

- Despite the continuing re-

duction in the number of job-seekers, the seasonally adjusted unemployment rate will remain about 7.5 percent through July 1978.

- The employment outlook will remain favorable for the skilled clerical worker, although a large surplus of applicants who fail to meet employer requirements exists.

- Entry-level professional and technical workers will face a very competitive labor market.

- There will continue to be shortages of highly skilled applicants for some craft jobs.

## Disabled Persons Might Miss Free Rehabilitation Assistance

Many disabled persons in the Bay Area may be missing out on valuable assistance by not realizing that rehabilitation services are available free of charge within their local communities.

According to social security officials, applicants for social security disability insurance benefits are automatically considered for possible rehabilitation services. However, it is not necessary to be eligible for social security disability payments or even to apply for them to receive these services.

Interested persons can take the initiative in seeking services suitable for them by writing in to their local Department of Vocational Rehabilitation. A listing of addresses serving their area is listed in the telephone directory under California—Rehabilitation, Department of.

Letters to the agency should contain the person's name, address, telephone number, social security number, date of birth, type of disability and when it began, date last worked, kinds of work previously done and education and/or training.

Often it is the desire of an individual to return to gainful work that is one of the key factors in deciding whether the State Rehabilitation agency will take on a case. If a person's motivation is extremely high, then the case may be taken even though the disabling condition would appear to be very severe.

A person accepted for re-

habilitation services may receive one or more of the following:

- Counseling and guidance to work out a rehabilitation program which may include a plan for self-support.
- Medical examination and possible treatment to reduce or remove the person's disabling condition.
- Physical aids such as arti-

ficial limbs, braces, hearing aids, eye glasses or other devices.

- Job training in a vocational school, college, university or a rehabilitation facility.

- Actual job placement and follow-up to help the person find the right job and to help adjust to a new occupation and overcome any special problems that might arise.

## LaVerne Stallings Writes For Muscular Dystrophy

Teamsters who want to help victims of muscular dystrophy and enjoy poetry now can do both with pleasure.

LaVerne Stallings, a widely published writer, has come out with *Revelations*, a slim book considered to contain some of the best pieces of poetry she has done.

LaVerne works from her bed, and her husband, Melvin Stallings, a Local 315 member for some 20 years, helps her by working four or five hours after getting off work at the Safeway grocery warehouse at Richmond—printing and stapling the book, and answering mail along with her.

*Revelations* is sold for \$1 plus 30 cents for handling and postage. LaVerne makes no profit. She turns over 50 cents per book to the Muscular Dystrophy Association.

You can order the book by sending your check to LaVerne at 1812 Andrea Court, Concord, CA 94519. And tell her you're a Teamster.

## Report on Alcoholism On-the-Job

The National Council on Alcoholism, a national voluntary health organization, reports about alcoholism on-the-job:

- The alcoholic worker is absent two to four times more than the non-alcoholic.

- On-the-job accidents for alcoholics are two to four times more frequent than for non-alcoholics.

- Sickness and accident benefits paid out for alcoholic employees are three times greater than for non-alcoholics.

## Teamsters on the Move

Compiled by Dorothy Keane

### NLRB Decision

Local 896 (Oakland) Recording Secretary **Douglas Batz** reports success in organizing the mechanical, vending and custodial employees of **Seven-Up Bottling Co.** of San Francisco in spite of strong efforts of the company to thwart the employees' desire for Teamster representation.

An NLRB Administrative Law Judge has ruled that by its unfair labor practices, Seven-Up prevented the election of August 27, 1976, from being fair and free, set aside the same and ordered the company to bargain with Local 896.

The ALJ further ruled that restoration of jobs and back wages, plus interest, were in order.

The campaign was conducted by Business Agent **Ed Perrier** who obtained 10 authorization cards from the employees.

By the time Seven-Up and Local 896 executed the Stipulation for Consent Election, five of the 10 employees had been discharged, one had been transferred to another location, one was made to work intermittently and the remaining three were given substantial wage increases.

In ruling in favor of the union, the ALJ found that:

- Seven-Up had taken strong retributive actions by undermining and destroying the employees' organizational efforts.

loyees' organizational efforts.

- The discharge of three employees was due to their union activities.

- The wage increases were intended to discourage the employees from supporting the union.

- Interrogations and threats of discharge were done in violation of employees' rights.

Teamster Attorney **Ed Kovach** represented Local 896 in the case.

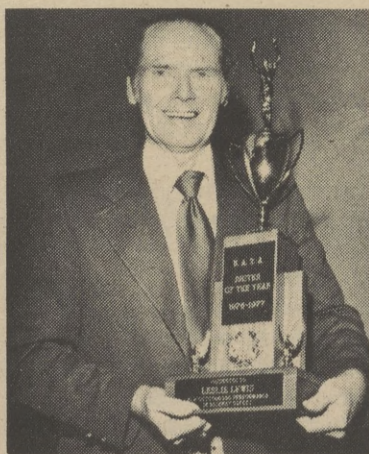
### Organizing

Local 350 (San Francisco) Secretary-Treasurer **Robert Morales** reports successful organizing, with the help of Board Member **Victor Ramirez**, of **Bayshore Salvage** company. After winning the NLRB election, Local 350 has scheduled negotiations for a first contract.

### Moving On

Local 350 (San Francisco) Secretary-Treasurer **Robert Morales** has been appointed by the State of California Division of Industrial Safety to serve on the **Advisory Committee for Safety Orders for Refuse and Compaction Equipment**. At an initial meeting, also attended by Business Representative **James Payton**, Morales has urged changes designed to mean more safety for Teamster members involved in this service industry.

## Les Lewis Is NATA Driver Of the Year



Les Lewis has won the National Auto Transporters Association Award for Driver of the Year and fellow-Teamsters at Hadley Auto Transport at Milpitas are mighty proud of him.

Lewis was presented the award at the Hyatt Regency Hotel at Dearborn, Michigan, recently. A trophy and a \$500 savings bond went with the award.

That topped the awards he won, earlier this year, of the distinguished National Auto Transporter Driver Award and then Driver of the Year, the highest honor.

Lewis' outstanding driving record, his company record, and his participation in California Trucking Association safety events were considered in choosing him over other outstanding drivers throughout the nation.

Lewis has accumulated over two million miles with Hadley Auto Transport and, in a total 35 years of driving has amassed over 3,300,000 without a preventable accident.

In 1963, he placed third in the Northern California Area C.T.A. Rodeo. In 1975 he won first place in the Northern Rodeo and placed second in the State Rodeo finals.

In 1976, Lewis was awarded the C.T.A. Line Driver of the North for September award.

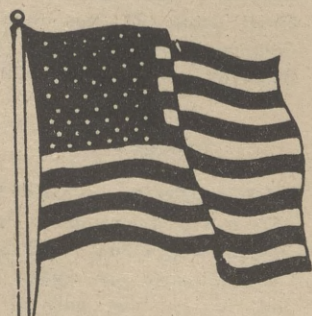


Local 386 photo

**COMMISSIONS PAID**—Norbert F. (Nobby) Miller, left, Local 386 secretary-treasurer, and Business Representative **John P. Souza**, right, present **Bob Allec**, steward at San Joaquin Bakeries, a check for \$1,200, part of a total grievance settlement of \$3,500 against San Joaquin Bakeries for unpaid commissions due a driver-salesman at Modesto. The account was on the driver's route but the company refused to pay the commissions and, while the grievance was pending, bid the account to another driver. Miller acknowledges the valuable help given in securing the settlement by **Dave Torre** of Local 296 and the Northern California Bakery Negotiating Committee, and Local 490 Secretary-Treasurer **Raymond Brown**.

Buy Union

Buy American



## Bulletin Board

### Local 78

Regular membership meeting for December is on Tuesday, December 27, at 8 p.m., 8055 Collins Drive, Oakland.

**Bill York**  
Secretary-Treasurer

### Local 439

Regular membership meeting will be on the 3rd Wednesday, December 21, 1977, at 8 p.m.

We wish all our members a Merry Christmas and a Happy New Year.

### Local 468 Meeting Notice

The next General Membership Meeting will be held Monday, December 19, 1977, at 10:00 a.m. at Teamsters Local No. 853's Hall, 8055 Collins Drive, Oakland, California.

### Attention All Members

In compliance with Article 19 of the current By-Laws of Local No. 468 where motion was made on the floor at the General Membership Meeting on October 31, 1977 concerning a dues increase.

November 20, 1977 General Membership Meeting was the first reading to the membership in accordance with the motion for dues increase.

December 19, 1977 will be the second reading in compliance with Article 19.

The third and final reading will be at the January 29, 1978 meeting. At this meeting we shall vote for the acceptance of the By-Laws change.

**M. H. Joseph**  
Secretary-Treasurer

### Local 624

Effective January 1, 1978, our office hours will be as follows:

Monday through Thursday: 7:30-12:00, 1:00-5:00.  
Friday: 7:30 a.m. to 2:00 p.m.

**William Hampton**  
Secretary-Treasurer

### Local 655

The December Stewards/Membership meeting will be held on Tuesday, December 20, at 7:30 p.m., in the Carpenters Hall adjacent to the Local 655 office at 1749 Broadway, Redwood City.

Immediately following the December meeting, a special meeting will be convened to consider and vote on such By-Law changes as will be recommended by the Local 655 By-Law Committee. Motions for changes will also be considered from the members at this special called meeting.

**Chas. J. Ciolino**  
Secretary-Treasurer

## ATTEND YOUR UNION MEETINGS

It's the best place to get the right information.



**ANNUAL LUNCHEON**—Local 278 retirees are shown at their annual luncheon at Ceasar's in San Francisco last month. Photo at right shows Local 278 officials and retirees inducted into the group at the luncheon, from left: Local 278



Secretary-Treasurer **Jack R. Bookter**, **Joseph Matranga**, **Gordon H. Hood**, **Theodore Zable**, **Nicholas W. Lashkoff**, Local 278 President **Richard J. Wagner**, and **Andrew Thompson**.

# Fitz Fingers Our Foes

Following are excerpts from a speech delivered recently by General President Frank E. Fitzsimmons at the testimonial dinner for Dick Piland at Dallas, Texas.

One of the things which extracts just a little bit more from a labor leader is the fact that it is organized labor which says "NO" to the economic and social injustices suffered by those who have no organization to speak for them. And when you say "no" to that, you step on the toes of the special interests and powerful forces.

When the daily newspaper goes to press or when the evening news on television hits the tube, the true story of organized labor is never written or shown. And that true story is that Teamsters are not only working for their members but labor for all workers.

And, there is something else.

It is organized labor and the loud voice of the Teamsters which say "NO" to those behind the conspiracy to once again make America the scandalous open shop it was in the 1930's and the 1940's.

And when you say "no" to that proposition, you are saying "no" to the most powerful forces in corporate America. They control financing, they control the number of jobs available, they control the gross national product, and they would control your very lives if it weren't for men such as the one we honor tonight.

Yes, they even control the news media with their corporate advertising. So if there are any of you here who wonder why nothing good is written about union labor, you can go to sleep tonight with the answer well in mind.

And, if you wonder why the news media has singled out the Teamsters as the national whipping boy, the answer is simply because the Teamsters shout "NO" the loudest of all.

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... there are some disturbing omens on the horizon.

There are those who would destroy all of this (the dignity the Teamster member has achieved) and they are working night and day toward accomplishing that end.

The brain trusts and financial backers are not rank-and-file members.

They are not leaders of local unions. They are not from our ranks, but they are outsiders who never organized a worker and who never negotiated a contract.

They are people who never worked with their hands. If they were working in a warehouse they wouldn't know a hand truck from a roll of toilet paper. If you put them in the cab of a truck, they couldn't start the engine, let alone back it up to the dock.

They are trying to infiltrate your ranks and mine and they have the financial backing of the multimillion dollar tax exempt foundations, and they have the ear of the news media.

And, they are doing it with a handful of our members whom they have duped into thinking they have a reform movement when the intention is to ruin and destroy.

If you think I am merely building a straw man, let me tell you what I am talking about.

You all remember the chaos which occurred in the United Mine Workers Union, a chaos which is

continuing today. But many of the same tax exempt foundations, many of the same lawyers and many of the same outsiders, who are trying to infiltrate the Teamsters, created the mess in the Mine Workers.

But, I want you to know that as long as I have a breath of air in my body, no one, nobody is going to do to the Teamsters what they have done to the Mine Workers Union.

But, let's look at something else. Recently, the United Steelworkers held an election for national officers. It was a story which appeared almost daily in every major newspaper in the nation. And, the darling of the press was a fellow by the name of Ed Sadlowski.

Who supported Sadlowski, the great reformer who was going to turn the union into a Utopia? Don't take my word for it, because Lloyd McBride went into court and got Sadlowski's financial records. And, what did they reveal?

He was receiving money for his campaign from corporations. Money came from Beverly Hills, California. It poured in from San Francisco. Yes, it came from Cambridge, Massachusetts, where Harvard professors lift nothing heavier than a book or a research paper, and walk between the ivy covered halls instead of the job site. Yes, money poured into Sadlowski's coffers from New York based tax exempt foundations. And in Beverly Hills or San Francisco, or Cambridge or New York City, I'll be damned if I can locate one steel mill.

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Yes, it is the outsiders who are trying to destroy organized labor, including the Teamsters Union. Who are they:

The Kaplan Fund of New York City, with assets of \$23 million.

The Stern Fund of New York City, with assets of more than \$3 million.

The New World Foundation of New York City, with assets of \$12 million.

The Samuel Rubin Foundation of New York City with assets of more than \$16 million.

The Field Foundation of New York City with assets of more than \$16 million.

And, of course, the Rockefeller Family Fund, and a lot of people would like to know how many millions are in that fund.

Yes, millions and millions of dollars, all tax exempt, being used to destroy the labor movement in this country.

Being used to destroy your wages, hours and conditions.

Being used to destroy your unions which speak not only for you—but for millions and millions of Americans who have no spokesman.

That is what is afoot in this country today and it should send painful chills up and down your spine.

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I'm no outsider. I've worked from within for 44 years—worked to build and improve—

I am a Teamster through to the marrow of my bones, and I serve that notice on the outsiders who would tear down and destroy this great International Union.

That's the battle cry for all of us who have the Teamster dedication . . .

## General Organizer's

## COMMENT

By RUDY THAM

### A Teamster Yuletide Message

As the year of 1977 winds itself down, I want to take this opportunity to wish every Bay Area Teamster and his family a most Joyful and Festive Holiday Season. It is my sincere hope that this particular Holiday Season is especially good to all of you.

More often than not, as we enjoy the Holiday Season, we think of all those less fortunate whose lives may be filled with despair rather than joy. One does not have to look to foreign countries to find poverty and unhappiness. Our United States, with all its wealth and abundance, has within its confines millions of people who, if not unemployed, toil for less than a living wage. It is truly a national disgrace to have such a situation existing in our country in this day and age.

Each year, the Teamsters Union leads all other Unions in organizing the non-union workers of America. Figures from the Bureau of Labor Statistics prove this. Yet this job is never-ending and must be pursued relentlessly. It is so important for upholding our present Union standards, to keep competition equal, and to bring hope to those working for unscrupulous employers.

So I remind you even now, at this time of the year when our thoughts naturally turn away from work, to remember just how important it is to yourself and your fellow American workers to organize the non-union segment of workers in our Country.

And, as all of you gather together with family, relatives and friends, I sincerely hope that you realize that your Union has contributed to your happiness by having given you a better economic and secure life.

No matter how inconsequential it may seem in retrospect, your Union plays an important role in your life and, by realizing this, your faith in your Union should be bolstered and your desire to

have others share it with should also be part of your life.

To me, the Holiday Season is the most beautiful way to culminate a year of struggle and hard work to achieve your life's dreams. The Holiday Season makes everything seem worthwhile. Friendship, love and family ties blossom into full dimension; cares and worries are put aside to be replaced momentarily by love and happiness. What more can a person ask for but to feel the warmth of complete happiness with family and friends.

So, I take this opportunity to extend to you and your family my wishes for a Happy Holiday Season; and I ask but one favor of you: Simply remember that your Union was built on a Brotherhood of workers, joined together with common interests and goals, much like that which holds your family together; remember this, and take time to wish all of your fellow Teamsters a joyous Holiday Season—for they are, in reality, members of your family.

### Inflation There, Too

When I was a kid it was worth a dollar, but the Manufacturing Chemists Association says the value of the materials in the average adult's body is now at \$10.



The Northern California Teamster is a monthly publication of Joint Council No. 7 and Joint Council No. 38 of the International Brotherhood of Teamsters, with editorial offices at 25 Taylor Street, Room 720, San Francisco, California 94102, telephones (415) 885-4969 and (415) 885-4970.

PETER CARAG  
Managing Editor

POSTMASTER: Please send Form 3579 to Kroll Typographers, Teamster Labeling Office, 1028 Shary Court, Concord, CA. 94518. Second class postage paid at San Francisco, California.

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### Publishers' Notice

Date of Filing—12-1-77

The Northern California Teamster Newspaper is published monthly by Joint Council 7 & 38, 25 Taylor St., San Francisco, CA 94102. The managing editor's name and address is Peter Carag, 25 Taylor Street, San Francisco CA 94102. Owner is Joint Council 7 & 38, 25 Taylor St., San Francisco CA 94102. The publication has no stockholder and no bondholders.

The average number of copies of each issue during the preceding 12 months breaks down as follows: total number of copies printed 112,000; actual number of copies of single issue published nearest to filing date, 113,000. Paid circulation through sales, dealers, carriers, etc., none. Total paid circulation: 111,030; actual number of copies of single issue published nearest to filing date: 113,000. Free distribution by mail, carrier or other means, including samples, complimentary, and other free copies: none. Total distribution: 111,030. Copies not distributed—office use, left-over, unaccounted, spoiled after printing: 970; returns from news agents: none. Total: 112,000.

The actual number of copies of single issue published nearest to filing date involve the following figures: total number of copies printed (net press run), 113,000; paid circulation: sales through dealers and carriers, street vendors and counter sales, none; mail subscriptions, 110,609; total paid circulation, 110,609; free distribution by mail, carrier or other means including samples, complimentary, and other free copies, none; total distribution, 110,609; copies not distributed—office use, left-over, unaccounted, spoiled after printing, 1,391; returns from news agents, none; total 113,000.

I certify that the statements made by me above are correct and complete.

/s/ PETER CARAG

## Medicare Guide and Record Holder

A handy 3-pocket folder for keeping Medicare records is now available at all San Francisco social security offices.

The 8 inch by 10½ inch folder is designed to hold Medicare publications and notices, medical bills and copies of medical insurance claims. A special medical insurance claims rec-

ord is enclosed with each folder so that persons covered by Part B medical insurance under Medicare can keep track of any claims they have submitted.

According to social security officials, many claims submitted to Medicare are delayed because they are incomplete or lack sufficient documentation. The information in the folder has been created to help pro-

vide the information that persons submitting claims need to know.

Single copies of the Medicare records folder and medical insurance claims form can be obtained by calling any social security office. The telephone number is listed under Social Security Administration or Medicare in all Bay Area telephone directories.

# Local 70 News

70 Hegenberger Road, Oakland, Calif. 94621

December, 1977

Phone 569-9317

A Section of The Northern California Teamster

## Two Grievances Touch on Broken-Time Issue

### Win Important Cases Before Area Committee

Local 70 won a couple of important grievances at the recently-completed Joint Western Area Committee meetings held in Los Angeles. This, by the way, was the first time these grievances have been held in Los Angeles. The change was made because the Western Conference has moved from Burlingame.

#### California Motor

The first win for Local 70 came in a case against California Motor Express. The issue was whether an individual who works 20 or more 8-hour days at the broken-time rate, and who is an area lumper, can obtain seniority.

Local 70 had several cases dating back to the mid-1960's that dealt with this same issue.

These were introduced as precedents, and the Committee gave the employee seniority retroactive to March, 1977. By doing so, they extended the broken-time precedent established when the seniority requirements were "13 and 30" as compared to the "20 and 60" currently in effect.

#### Garrett Freightlines

The second case was also a broken-time issue, and was one of the many that have come out of Garrett Freightlines. The company, in this case, took the position that their laid-off employees—even though they worked an 8-hour broken-time day—were not entitled to Sick Leave credit because they were laid off the regular seniority roster. 70's position, which was sustained by the Main Committee, was that any employee on

the regular roster who worked 8 hours—broken-time, straight-time or whatever—was entitled to Sick Leave credit for the year in which the 8-hour shift was completed.

This case is a significant victory for two reasons. First, it insures laid-off employees that they will earn Sick Leave if they work 8 hours broken-time. The company cannot use broken-time as a subterfuge, denying them payment of the benefit. Secondly, the case does mean something in terms of dollars. In Garrett's case there is a potential liability approximating \$10,000.

#### Lose I.C.X. Case

Another case filed by Local 70 against I.C.X. was lost. In this case the F.B.I. had subpoenaed an individual to testify in court that he had picked up a ship-

ment, and that his signature was on the Bill of Lading. This individual had nothing to do with the case. He was subpoenaed merely to substantiate that the company had, in fact, picked up the freight.

The company took the position that, because they did not subpoena him—that the F.B.I. had—they had no responsibility to pay him. Local 70 argued that the employee had been forced to spend time in the courts in a matter which arose out of the faithful discharge of his duties. The Committee ruled, inasmuch as the employee was not a company witness, that the Union's claim be denied.

In February Joint Western grievances will shift to San Diego. Apparently that's where they will be held for the next year at least.

## More Benefits Available To Local 70 Members

Local 70's officers and officials have been working with a number of amusement parks and other organizations to provide our membership with an array of benefits. These benefits are designed to provide lower costs for Local 70 members and their dependents when they visit these spots.

At the present time Local 70 has arrangements with the following organizations:

#### Disneyland

Disneyland's "Magic Kingdom Club" cards are available for our members at Local 70's office.

These cards allow members who have one in their possession to obtain price reductions when they go to Disneyland. The card allows these reductions for all members of the family and can provide considerable savings.

Members desiring these cards can either phone or come into Local 70's office in person and submit their name, address and other information prior to cards being sent, as the card stubs must be forwarded to Disneyland by our office.

Membership Guide pam-

phlets with more detailed information are also available at 70's office.

#### Santa Cruz Beach-Boardwalk Beachcomber Club

Local 70 has available for its members "Beachcomber Club" membership cards admitting them free of charge to the Santa Cruz Beach-Boardwalk. The Boardwalk is open daily in the summer, and offers various forms of recreation and entertainment for the entire family there and at the mile-long beach which it fronts.

The "Beachcomber Club" cards are available upon request, at no charge, and entitle our members to discounts of up

(To Page D)

## Chad Victory Looks Back With Thanks

The following letter was directed to Secretary-Treasurer Chuck Mack by recently-retired Local 70 member Chad Victory:

"Dear Brother Chuck,

Now that I am starting on my fourth month of retirement, it is wonderful to know that the Union has made this possible.

After thirty-one years in Local 70 I can only remember all the good they did for me, and for the advice of the office force and business agents whenever needed.

A personal thanks to you in matters which you advised us on.

My wife joins me in wishing Local 70 and all its members the very best in the future.

Brother Chad Victory"

Several new laws have been passed by the Legislature in Sacramento which will be of benefit to our members. These measures will be effective January, 1978.

1. One important measure passed was AB-1379, authored by Assemblyman Vic Fazio, which will increase Disability Insurance. Disability Insurance is for workers who suffer an OFF-the-job illness or injury.

The maximum weekly benefit has been \$119. It will increase to \$146. The minimum benefit will likewise be increased from \$25 to \$30. The new weekly benefit will be paid on claims filed after January 31st.

2. Another important measure—SB-876 authored by Senator Nate Holden—has to do with Unemployment Insurance.

In the past a person could earn up to \$18 before deductions were made from his weekly benefit. The \$18 amount has been raised to \$21 effective January.

3. Under provisions of AB-739, authored by Assemblyman Bill Lockyer and sponsored by the Teamsters, new employees must be automatically notified by their employers that they have Worker

Compensation benefits for ON-the-job injuries.

4. Another measure sponsored by the Teamsters was SB-580 by Senator David Roberti. Existing law allows employees to examine their personnel files upon request. This bill will require that the employer make available to an employee such file within a reasonable time. Problems arose where personnel files were maintained at places other than where the employee reported to work.

5. Mandatory retirement at age 65 may not be forced on private sector employees who indicate in writing a desire, and can demonstrate their ability, to continue working at their jobs. AB-586 by Assemblyman Richard Alatorre further provides that no changes will be required in any bona fide pension programs or collective bargaining agreements during the life of the contract, or for two years after the effective date of this bill, whichever occurs first.



STERLING RETIREMENT DINNER—Pictured above, from left to right, are Chuck Mack, Ernie Truscott, Sr., Gordon Golder and Darold Wright. The two Local 70 officials recently attended the retirement dinner for Truscott and Golder. Both members have been long-time employees of Sterling; and between them they have 48 years of membership in Local 70.

#### SPECIAL MEETING NOTICE

The annual budget meeting for 1978 will be held Saturday, December 17, 1977, at 9:00 A.M., at Local 70's Auditorium—70 Hegenberger Road; Oakland, California.

The 1978 budget—receipts and expenses—will be the only subject discussed per Local 70's By-Laws.

## Executive Board

Secretary-Treasurer  
Chuck Mack  
Recording Secretary  
Jim Rush

President  
James (Jimmy) Muniz  
Vice President  
Stan Botelho

TRUSTEES  
Art Soto Marty Frates Larry Dias  
Conductor, Mel Baptista Warden, Harold Marks

## President's Report

Dear Brothers and Sisters:

With the election now over, the members have made their choice of who they want to represent them for the next three years.

This election was very spirited, as have been other elections in our Local Union. There were many bulletins distributed at meetings and passed out to members at their terminals and coffee shops. Also, some candidates mailed to members' homes various papers which carried articles of slander, mistruths and distorted facts which had no basis of fact or were not warranted, and were for political reasons only. Some of the articles referred to lawsuits filed against our Local Union by members who were candidates for office. Why would any candidates resort to unethical tactics to further their own ambitions?

Now that the election is a thing of the past, the members should unite to build a stronger Union instead of dividing and making our Union less effective. Members should put forth their efforts to work towards helping organize the unorganized, and also to try to educate our own members as well as those of other Unions to buy Union-made products so as to help protect Union jobs. Also, members should try to attend Union meetings and discuss the various problems within our Local Union instead of through various outside newspapers.

I would like to take this opportunity to thank Shop Steward Dennis Miller of Delta Lines for taking the minutes of our past Union meetings, as well as the Nominations Meeting, due to the absence of our elected Recording Secretary.

In closing, I would like to wish all members a Merry Christmas and a Happy New Year.

Fraternally yours,  
James "Jimmy" Muniz  
President

Buy Union



Buy  
American

## SICK BENEFIT FUND SICK BENEFIT COMMITTEE

Chairman — Ray Arroyo Co-Chairman — Leo C. Hafley  
Recording Secretary — Jim Dodge

Members: Lloyd Adcock, Frank Arroyo, E. L. "Al" Baratto, Eugene Derieg, George Wells, and Honorary Member Jim Bramell

Monthly Meetings — 2nd Tuesday at 7:30 p.m.

Claims for Sick Benefits must be filed at Local 70's office within 30 days of disability.

The Sick Benefit Committee can be contacted by telephone during the day every Tuesday between the hours of 8:00 a.m. and 4:00 p.m. at 569-7171. Also during the evening of its meeting on the second Tuesday of each month, between the hours of 7:30 and 10:00 p.m.

Reminder—Dues must be paid on a current basis in order to be eligible for Sick Benefits



# Holiday G

*The officers, officials and staff of Local 70  
their families a Merry Christmas and a*

## 3 Members Return to Ringsby

An independent doctor selected by Delta Lines and Teamsters Local 70 cleared three former Ringsby employees—Tony Navarro, J. D. Smith and James Swindell—for employment at Delta.

Dr. William Knox' examination was the final step in a long and protracted grievance dispute between Local 70 and Delta. Business Agent Steve Marinkovich had taken the position that the three employees, inasmuch as they were next in line for hire because of their Ringsby seniority, should be placed on Delta's seniority list. The company doctor, however, disqualified the three because of back problems they experienced while at Ringsby.

Local 70 representatives Steve Marinkovich and Chuck Mack argued the case before the Joint Western Area Committee. The Committee ruled that if an independent doctor certified the three for employment, Delta had a responsibility to hire them even though the men did not meet the company's qualifications for new hires.

As a result of the doctor's examination, the three men have been notified by Delta to report to work. They also will be credited with back seniority.

LOCAL UNION 70, CITY OF OAKLAND, CA

## Trustees Report

Affiliated With

International Brotherhood of Teamsters, Chauffeurs,  
Warehousemen and Helpers of America

Period Covered: From October 1, 1977 to October 31, 1977

### CASH RECEIVED

|  |              |
|--|--------------|
| Dues   | \$137,768.92 |
| Initiation and Reinitiation Fees                                 | 18,965.00    |
| Withdrawal and Transfer Cards                                    | 22.50        |
| Assessments and Fines  | 2,602.05     |
| Receipts—Funds for Transmittal for Members                       | 589.10       |
| Receipts from Affiliates (Item 9 Schedule Total on reverse side) | 6,253.98     |
| Other Receipts (Item 10 Schedule Total on reverse side)          | 3,313.87     |
| Total Cash Received (Total of Lines 1-11)                        | \$169,515.42 |

### CASH PAID OUT

#### Payments to or for Officers and Employees:

|                            |           |
|----------------------------|-----------|
| Salaries                   | 57,296.57 |
| Expense Allowances         | 5,362.50  |
| Expenses Reimbursed        | 253.71    |
| Expenses Paid to Creditors | 2,998.97  |

#### Payments to or for Membership:

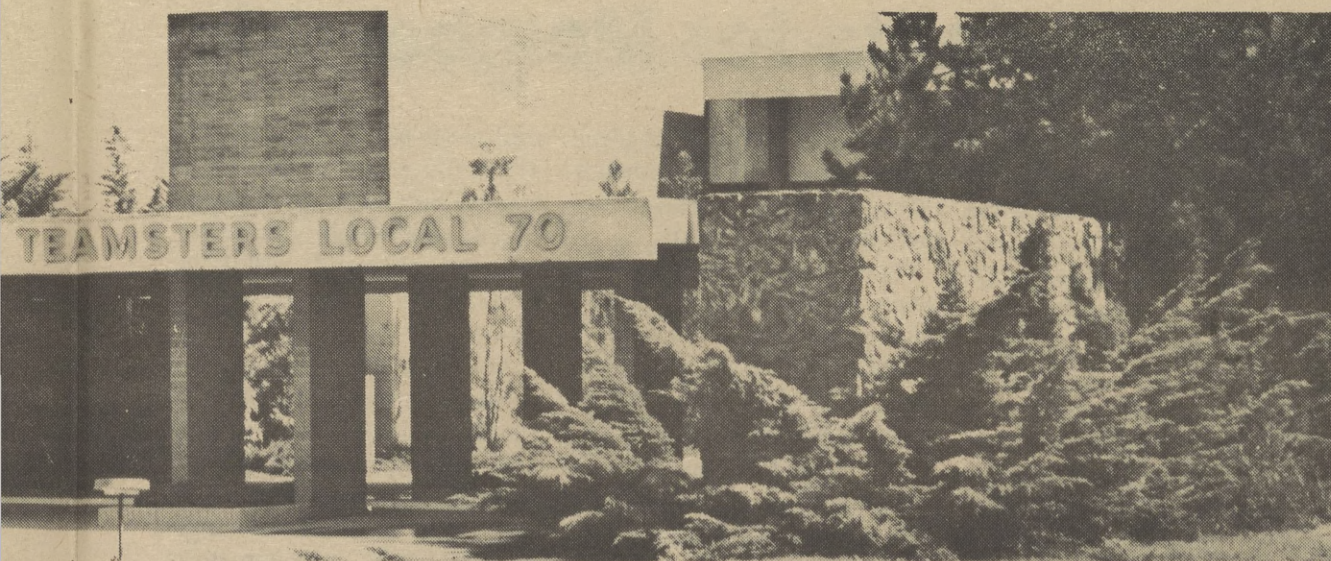
|  |           |
|--|-----------|
| Per Capita Taxes                                       | 31,588.14 |
| Contributions  | 280.00    |
| Benefits Paid (Item 23 Schedule Total on reverse side) | 36,924.66 |
| Funds for Transmittal for Members                      | 291.00    |
| Refunds—Dues   | 107.25    |
| Refunds—Initiation and Reinitiation Fees               | 2,000.00  |
| Refunds—Fees   | 18.50     |

#### Payments for Operating Expenses and Other Disbursements:

|   |            |
|---|------------|
| Office and Administrative   | 6,343.41   |
| Legal Fees  | 1,000.00   |
| Other Professional Fees   | 2,628.78   |
| Taxes   | 1,159.35   |
| Other Activities Cols. 29-33 (Item 40 Schedule Total on reverse side) | 9,643.68   |
| Total Paid Out (Total of Lines 13-41)                                 | 157,896.52 |

#### Net Increase (or Decrease) in Cash (Subtract Line 42 from Line 12)

|  |            |
|--|------------|
| Cash Balance Beginning of Period—General Fund— | 11,618.90  |
| Checking Acc't.                                | 277,207.03 |



# Greetings

*Local 70 want to wish all of our members and a Happy and Prosperous New Year.*

## CASH BALANCE END OF PERIOD—GENERAL FUND— CHECKING ACC'T. (Add Lines 43 and 44)

\$288,825.93

### STATEMENT OF ASSETS—PERIOD ENDING AUGUST 31, 1977

|   | BEGINNING<br>OF PERIOD | CHANGE             | END OF<br>PERIOD    |
|---|------------------------|--------------------|---------------------|
| General Fund—Checking<br>Account        | \$158,430.17           | \$11,618.90        | \$170,049.07        |
| Petty Cash                              | 550.00                 |                    | 550.00              |
| General Fund—Savings<br>Accounts        | 938.79                 |                    | 938.79              |
| General Fund—Certificates<br>of Deposit | 100,000.00             |                    | 100,000.00          |
| Cash in Special Funds                   | 17,434.14              |                    | 17,434.14           |
| Investments: Savings Bonds              | 5,000.00               |                    | 5,000.00            |
| Land                                    | 173,642.79             |                    | 173,642.79          |
| Buildings                               | 454,579.00             | (977.00)           | 453,602.00          |
| Office Furniture and<br>Equipment       | 5,163.00               | (655.00)           | 4,508.00            |
| <b>Total Assets</b>                     | <b>915,737.89</b>      | <b>9,986.90</b>    | <b>925,724.79</b>   |
| Deduct: Obligations (per<br>List Below) | 157,854.58             | 3,064.95           | 154,789.63          |
| <b>Net Assets</b>                       | <b>\$757,883.31</b>    | <b>\$13,051.85</b> | <b>\$770,935.16</b> |

### LIST OF OBLIGATIONS

| DATE OF<br>OBLIGATION | DESCRIPTION       | DATE DUE | AMOUNT              |
|-----------------------|-------------------|----------|---------------------|
| September '66         | Building Mortgage | Monthly  | \$154,789.63        |
|                       | <b>Total</b>      |          | <b>\$154,789.63</b> |

### SCHEDULES

| Item 10—Other Receipts | Amount             |
|------------------------|--------------------|
| Sale of Supplies       | \$ 62.49           |
| Telephone              | 44.74              |
| Expense Refunds        | 2,906.82           |
| Other                  | 299.82             |
| <b>TOTAL</b>           | <b>\$ 3,313.87</b> |

| Item 23—Benefits Paid        | Amount             |
|------------------------------|--------------------|
| Out-of-Work Benefits Paid    | \$ 3,600.00        |
| Pension                      | 3,503.29           |
| Insurance—Group Life         | 8,940.10           |
| Insurance—Health and Welfare | 4,554.36           |
| Insurance—Other              | 1,911.71           |
| Sick Benefits                | 14,375.00          |
| Fees for Members             | 40.20              |
| <b>TOTAL</b>                 | <b>\$36,924.66</b> |

| Item 40—Other Activities (Cols. 29-33)      | Amount             |
|---|--------------------|
| Meeting and Committee Expenses              | \$ 721.14          |
| Strike Expenses                             | 920.80             |
| Stewards Expenses (other than dues)         | 256.93             |
| Building Maintenance                        | 3,273.56           |
| Out-of-Town Travel Expenses                 | 551.25             |
| Mortgage and Loan Payments (Principal Only) | 3,064.95           |
| Interest                                    | 855.05             |
| <b>TOTAL</b>                                | <b>\$ 9,643.68</b> |

| Item 9—Receipts from Affiliates    | Amount             |
|------------------------------------|--------------------|
| International Out-Of-Work Benefits | \$ 6,253.98        |
| <b>TOTAL</b>                       | <b>\$ 6,253.98</b> |

## Local 70 Wins War Vs. Navy

Teamsters Local 70 won a battle against the U.S. Navy this past month in Oakland.

The Navy had re-bid its van-stuffing for overseas ports. The bid was won by a new firm, L. Lehman, Inc. Because of a mixup in the bid procedure, neither the Navy nor Lehman had made provision for a Local 70 hostler. The firm brought in a non-union driver to handle the hostling for the van-stuffing operation.

Local 70 President Jim Muniz and Business Agent Roy Nunes made several requests of the firm to sign an agreement on behalf of our member, Wayne Morris. Morris had been employed by the previous contractor as a hostler. Lehman refused to sign an agreement, and the Navy refused to re-bid the job with the hostler classification included. As a result 70 was left with no alternative but to take economic action.

After approximately a week on the picket line and several appearances in court, both the Navy and the contractor came to terms. An agreement has been signed and Morris put back to work.

### A Labor 'First'

The first state legislation permitting a state to attempt to settle labor disputes was in Maryland in 1878.

## Business Agents

|               |                 |                    |
|---------------|-----------------|--------------------|
| Joe Arino     | Ed Painter      | Bob Windsor        |
| Dick Sarmento | Dick Durossette | Alex Y. Ybarrolaza |
| Bobby Freitas | Roy Nunes       | Steve Marinkovich  |
| Darold Wright |                 | Steve Mack         |

### Dispatchers

Al Fialho

Noel Eben

## Secretary-Treasurer's Report

### Election

The election of Local 70 is now history. I want to express my appreciation to the members for, firstly, the confidence they placed in me. It's nice to, in effect, be elected at nominations by having no opposition. Secondly, I want to express my appreciation to the membership who participated in the election. One of the great strengths of our Local is that we are truly a democratic organization. Those members who participated in the process can, of course, attest to that fact. Moreover, their participation keeps our Local Union strong and viable.



Mack

The campaign activities in this election were somewhat disappointing. In spite of that, the battles are over and it's now time for the membership to unite and pull together for the next three years. The problems with which we are confronted will need all the imagination, strength and perseverance our membership has.

### Joint Western

The Joint western grievances were held in mid-November, and several important cases were decided in favor of our members.

In a case Local 70 filed against California Motor Express, our member—who worked twenty-one broken-time days within a 60-day period—was afforded seniority. This is a precedent-setting grievance and will not allow firms to use broken-time as a subterfuge to deny employees seniority.

A second case of significance was the Garrett Freightlines sick leave case. This had been filed on behalf of the Garrett employees who were laid off over a 4-year span. We requested Sick Leave benefits for those employees if they worked at least one 8-hour day a year for the company. Our position was upheld, and a majority of

employees will be receiving retroactive benefits.

The Joint Western has moved to the southern part of the state with the Western Conference. The move has obviously created a good amount of confusion. There were a number of cases—I think 100 at last count—that the Committee did not hear because they ran out of time.

### U.P.S. Case Won

Another case we were just notified we won was an arbitration case against United Parcel Service. This grievance was filed on behalf of an employee who had been discharged for alleged theft. The company—apparently because they had a rather weak case—did not act for about a six-month period of time. When they did take action against the employee, we protested on the basis of timeliness. The arbitrator upheld our position and reinstated the employee with back pay. This is one of several significant cases we have recently won against U.P.S.

### Lucky Stores Move

This past month, after several months of meetings, the final details in the Lucky Stores move were consummated. Lucky's, as you might recall, is moving the Grocery Warehouse, currently located in San Leandro, to Vacaville. This will mean a reduction of jobs at San Leandro and an obvious transfer of our work to the Vacaville area.

Our Local had been meeting for several months with Teamster Local 490 who will inherit the new Lucky operation, and Locals 150, 853 and 78 who will also be affected by the partial closing in San Leandro—and in 150's case, Sacramento. Details were agreed to completely this month by the Locals and the company; and I am happy to report that our members will be given the opportunity to move and maintain full seniority.

This is a far cry from the position in which we found ourselves several years ago when Lucky's moved to Sacramento and left many of our members out of work. The "red line" lan-

(To Page D)

## Secretary-Treasurer's Report

(From Page C)

guage protecting seniority that we included in the 1975 contract, the cooperation of the Teamster Locals involved, the assistance of Bill Grami of the Western Conference, and the vigilance and perseverance of Business Agent Alex Ybarrolaza are the reasons we were able to protect our members' seniority. Obviously, we don't like to lose employment or members, but if a move is to be made it's nice to be able to guarantee seniority rights to our members.

### Deregulation

Deregulation has been a big issue at both the state and national levels recently. I have been attending meetings up and down the state with the Public Utilities Commission and other Teamster Locals regarding the efforts being made in this state to either deregulate or reregulate.

Statewide we are in better shape than we were a year ago. Changes are going to be made, but many of these changes could be positive for our membership.

Deregulation efforts appear now to be heating up at the national level; and as this article is written I have been called to a meeting in Washington to discuss this matter with the Carter Administration. We don't oppose anything in the area of regulation as long as the jobs of our members are not jeopardized and the conditions under which they work are protected. That's the message I will carry to the Administration when we meet.

### Retirees Pension Letter

This past month I received a letter from retired members of Local 70 who feel they are forgotten because their pension has not increased and the Cost-of-Living has, of course, risen out of sight.

I concur with these members. I think they have been forgotten, and I more than sympathize with them. On the other hand, I don't think there is going to be any immediate answer to their problem.

Teamster officials throughout the country have, I think, been lax in not demanding some form of Cost-of-Living adjustment for retirees. There is no class that needs benefits as much as the man or woman who has left the craft and now lives on a fixed income. There have been so many changes in the pension law and program recently, the Trustees have not even considered a Cost-of-Living adjustment.

Our Local will continue to push for Cost-of-Living increases with the Pension Trustees, but from the developments of the past two years I would expect this to be a long-range goal.

### Finance Meeting

The annual Financial Meeting will be held Saturday, December 17, 1977, at 9:00 A.M. at our Auditorium—70 Hegenberger Road in Oakland.

In the past this meeting has not been particularly well-attended. I would urge our members, especially those concerned with finances, to attend. We will be discussing the budget for the ensuing year of 1978.

\*\*\*

I would like to take this opportunity to commend the Election Committee for an outstanding job on behalf of our members.

\*\*\*

In closing, I would like to extend to the membership my best for a joyous holiday season.

Fraternally yours,  
Chuck Mack  
Secretary-Treasurer

## More Benefits for Membership

(From Page A)

to 30 per cent on rides and attractions at the Santa Cruz Beach-Boardwalk.

### Marriott's Great America

Available upon request at Local 70's office for its members are the "Carousel Club" membership cards distributed by Marriott's Great America.

These cards entitle the registered bearer and members of his or her family to special discounted admission prices during normal park hours which are not available to the general public. They also offer a 10 per cent discount to Marriott Hotels and Inns listed thereon, as well as a 20 per cent discount ex-

tended by the Hertz Corporation on car rentals and mileage rates within the limitations spelled out on the card.

There is no charge for these cards, but name, address, etc. must be submitted to Local 70 when they are requested, as the stubs must be forwarded to Great America by our office.

### Holiday Inns

Any of Local 70's members travelling to Tucson or Phoenix, Arizona or Reno, Nevada can avail themselves of special discount rates at the Holiday Inns in those cities.

Available at Local 70's office are special coupon cards entitling the bearer to a special

rate of \$15.00 per night for any available room in the Reno South Holiday Inn (good for one to four individuals in a room) for their entire stay, within the limitations set forth on the coupon.

Also available are coupon cards for two Holiday Inns in Phoenix and two more in Tucson, Arizona. These entitle the bearer to a special double-room rate of \$22.00 and single rate of \$18.00—although these discounted rates will not apply during the period of January 1st through Easter, 1978.

Any of these coupon cards can be obtained upon request of Local 70's office at no charge.

## Precautions Against Poisoning

Accidental poisonings affect thousands of children every year. A few simple precautions taken now can save much needless suffering. Parents should be aware of six key points. Observing these may prevent the poisoning or obtain help for your child rapidly enough that no permanent damage is caused.

1. Have Syrup of Ipecac handy in your home. This may be purchased without a prescription at a drug store. This medicine will make your child vomit. Most times this is the best treatment of a poisoning, but **one must be sure to get medical advice from their pediatrician or poison control center before giving Syrup of Ipecac.** If given in the wrong cases, it can worsen the condition. Having Syrup of Ipecac available at home has saved the lives of many children. If you do not have this medicine, buy some now so you will be prepared. If you leave your child with a regular babysitter, purchase a bottle for her also.

2. Aspirin is still the most

common poison children get into. Although aspirin is sold in smaller quantities today, this small amount may still be enough to kill a child.

3. Although many medicines and household cleaners now have childproof caps, these caps do not always prevent children from opening the container. You still must use caution in storing poisons and medicines even if they have these special childproof caps.

4. Keep gasoline, cleaning fluids, and household cleaners, as well as medicines, out of the reach of children. Children are climbers and just putting something up high is not always enough. If possible, lock it up. Don't keep household cleaners under the kitchen sink. It's also important to know that the recommended treatments listed on some of these cleaners are not current and may worsen the effects of the poison. Call your pediatrician for the most current antidote information.

5. Keep all medicines, household cleaners and poisons in carefully labeled containers, never in unlabeled or mis-

labeled bottles or boxes. A soda bottle is not a good place to store gasoline for the lawn mower.

6. Know the number to call should you suspect your child has been poisoned. Write it down where it will be readily available in case of a poisoning emergency. The appropriate telephone number for your Kaiser/Permanente facility is listed in the facility's *Medical Services Directory* (available from receptionists and the Health Plan office) and in the white pages of your *Pacific Telephone Directory* under Kaiser/Permanente.

*This piece is reprinted from the Kaiser Foundation's Planning for Health. Alan Lundberg, M.D., is with the Department of Pediatrics at the Kaiser/Permanente Medical Center in Sacramento. He graduated from the University of Pennsylvania Medical School and completed both his internship and residency at the Los Angeles County-U.S.C. Medical Center. He is a Board Certified specialist in pediatrics.*

### Human Relations

THE most important six words:

"I ADMIT I MADE A MISTAKE."

THE most important five words:

"WHAT IS YOUR OPINION?"

THE most important four words:

"I AM PROUD OF YOU."

THE most important three words:

"IF YOU PLEASE."

THE most important two words:

"THANK YOU."

THE most important word:

"WE."

AND THE LEAST important word:

"I."

## If You Move . . .

TO: ALL MEMBERS OF LOCAL 70

Please advise the office either by phone or mail of any change in your address.

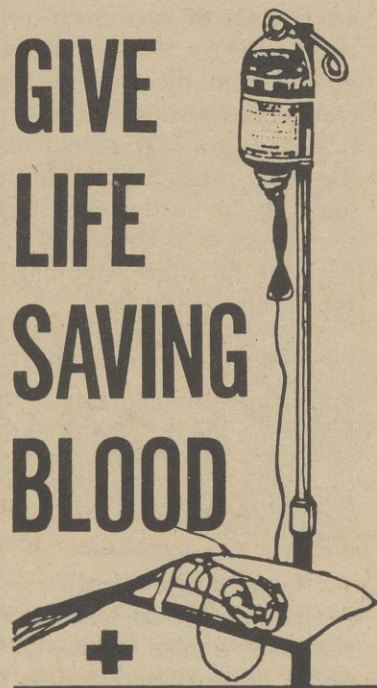
Name: \_\_\_\_\_

Old Address: \_\_\_\_\_

New Address: \_\_\_\_\_

Employer: \_\_\_\_\_

GIVE  
LIFE  
SAVING  
BLOOD



### In Memoriam

HARRY C. WILSON—October 6, 1977

HERBERT F. COLLINS—October 24, 1977

MILTON D. MATTHEWS—November 1, 1977

JACK K. HANSHAW—November 11, 1977

PETE PAPPAS—November 12, 1977

# Making Compensation a Practical Impossibility

(From Page 1)

"natural" incident of the employment (therefore individual sensitivity would not be a criteria).

It would have to be a "substantial cause" of the disability (does this mean over 75 per cent industrial causation, even though a lesser percentage may light up the condition to the point of disability?).

The causation would have to be established with medical *certainty* although almost nothing in medical science is certain.

There would have to be *epidemiologic*, scientific statistical data (proving that the medical condition resulted from job exposure and additionally is not commonly found in the general public). Will a worker be denied benefits for a job caused disability because others in the general public might have the same problem?

There must be *excessively* repetitive trauma. (What is *excessively*?)

The exposure to cumulative injury must be "*more arduous and strenuous*" than activities in the employee's normal, non-employment life.

The disability must not result from the *natural* aging process of the body even though the work activities speed up the natural aging process.

Some bills limit benefits only to injuries involving *physically* traumatic activities and would deny benefits for work-caused mental conditions.

The result of these bills would be to increase the burden of proving a cumulative injury or occupational disease to the point of practical impossibility.

It would not be sufficient to show "causation" in the accepted legal meaning of the term; that is, exposure to a hazard at work in a medical chain of events which directly produced the resultant damage or injury. It must be "*peculiar*"; a "*natural*" incident; a "*substantial cause*"; a "*medically certain*" event; statistically related to the industry; *excessively* repetitive; more arduous and strenuous than in non-industrial life; and not a result of the normal aging process of the body.

All of these barriers are obviously designed to prevent an injured worker from recovering benefits for those injuries occurring over a period of time, rather than from a direct, specific injury on one occasion. The disability or death resulting from cumulative or occupational disease is no less serious than that resulting from a specific injury. However, these employer/insurance company bills would remove the hard-won benefits which workers

have received under the law for the last 60 years.

## Strict Time Limitations in Cumulative Injury and Occupational Disease Cases

AB 1665, AB 1988, SB 924 and SB 1291 could deny benefits for cumulative injury or occupational disease to the employee before the employee even knew he or she was sick.

Because of the hidden nature of this harm, the present law does not require the injured employee to file his claim until after he becomes disabled and learns that the condition is work-related.

These bills would require the worker to make a claim within one year of the last exposure to the harmful work. This would be true even though he did not suffer symptoms, let alone disability, from the conditions; even though the condition had not been diagnosed; and even though it had not yet been related to his work activities. In other words, his right to sue would vanish before he even knew he was sick.

## Reduction of Medical Disability and Death Benefits

Under present law, benefits are payable for the amount of disability caused by the injury and no reduction is made for any non-disabling condition which may have existed before the injury and would not have become disabling without the injury.

AB 1665, AB 1968, AB 1988, SB 924 and SB 1291 would require reduction of benefits for the mere existence of a non-disabling condition which would *not* have become disabling *but for* the injury.

Under these bills the injured worker could be required to pay part of the medical expenses even though the need for treatment would not have been present without the injury.

Under these bills support for surviving dependents of the worker killed by the job could be reduced.

## A Permanently Disabled Worker Unable to Work Would Not Get Permanent Disability Indemnity if He Had a Right to a Pension

AB 1988 takes away a seriously injured worker's permanent disability benefits when a less seriously disabled worker capable of work activities would continue to receive them. This bill provides that benefits stop if the injured worker is (1) not working and (2) receives retirement benefits.

The bill further provides for a reduction in benefits if a Social Security disability pension is received by the seriously disabled worker.

This bill discriminates against the seriously disabled by such a device which reduces

permanent disability benefits.

## Where a Portion of the Disability Results from Pain, Permanent Disability Benefits Are Reduced

AB 1968 (Section 4672) provides that if the permanent disability rating does not exceed 10 per cent and is based on pain alone, no permanent disability is payable. This is based on the insistence of the insurance industry that the injured worker is lying about his condition. Yet many disabilities are present without such things as X-ray proof.

This bill also provides that where there is a rating for pain alone and it exceeds 25 per cent, the employee is limited to 25 percent permanent disability. He must, after receiving a 25 per cent award, return and litigate his claim again two years later to get the rest of his benefits.

AB 1968 is an omnibus measure which completely overhauls the Labor Code, to the detriment of the injured worker. This bill is obviously drafted with great care to accomplish this result. It incorporates most of the tricks mentioned above with variations and eliminates many other benefits which have been developed through legislation and court decisions regarding job-caused disabilities.

## Death Benefits Would Be Reduced in Amount by \$10,000

Where a worker is killed on the job it is presently concluded, without opportunity to dispute such conclusions, that the child or children under 18 years of age are total dependents. If a dependent spouse or minor child survives, the death benefit, in addition to burial expense, is \$50,000 and if both spouse and child survive, the benefit is \$55,000.

AB 1968 lowers this benefit to \$40,000 and \$45,000 respectively or a reduction of \$10,000. Apparently the author of this bill does not believe that the value of a worker's life to his family and their need for support is as great as previously established by the Legislature in spite of constantly soaring inflation.

## Death Benefits Would Be Reduced by Other Survivor Benefits

AB 1968 only permits the surviving dependent spouse two years of benefits with a rebuttable presumption of total dependency. If the spouse was employed at the time of the worker's death and there was no dependent minor, it is possible that no benefits would be paid to the spouse under this legislation. If the spouse works during the two-year period after the employee's death, or if it is determined that the spouse is capable of working at this

point, the spouse is then not considered a total dependent and death benefits will terminate.

AB 1968 provides that if the spouse remarries or lives with an adult of the opposite sex in a "nonmarital" relationship in the same abode, the death benefits will terminate after two years.

AB 1968 terminates payments of death benefits to a child if the child reaches the age of 18 years unless the child continues in school as a full-time student or is disabled.

## Surviving Children and Spouses Who Work or Have Independent Sources of Income Would Lose Death Benefits

AB 1968 provides that if at any time the dependents' financial circumstances improves to the point that they are not actually dependent, death benefits terminate. This means that the child may be terminated at any time without even a two-year period of payment, since such presumption applies only to the spouse. In effect, the proposed law would reduce or eliminate death benefits for a working spouse or child.

## Death Benefits Need Not Be Paid at Maximum Temporary Disability Rates But Rather at the Compensation Rate of the Deceased Employee Based on His Average Earnings

Presently in all cases, death benefits are paid at the maximum temporary disability rate of \$154 per week. If paid for two years of presumed total dependency, the spouse would receive a total of \$16,016 during the period even though the dependency status might be terminated at that time.

AB 1968 would not pay benefits at a maximum temporary disability indemnity rate. Rather, the rate of payment of weekly death benefits would depend upon the actual earnings of the deceased worker. This is particularly harsh to low wage earners' families. The total death benefits received would be reduced if the spouse's actual dependency status was challenged after two years from the employee's death and this resulted in a finding of no actual dependency, thereby terminating such reduced payment.

## Pending Anti-labor Workers' Compensation Legislation

Assuming the deceased worker's average earnings result in a temporary disability rate of \$50 per week, the same two-year period of payment followed by termination because the spouse was no longer actually dependent, would result in

death benefit payments totaling only \$5,200.

## Disability Resulting from Medical Care Selected by the Employee is Deducted

AB 1968 would require a sixty-day wait before treatment could be obtained from a doctor selected by the injured employee. Furthermore, if the selected medical care unfortunately did not benefit the employee, but instead worsened the condition, the employer would not be liable for the worsening or aggravation of the condition.

At present, the worsening of the condition by medical treatment is part of the injury results, whether it comes from a doctor of the employee's or of the employer's choice. The proposed legislative change would result in doctor selection by the employee at his own risk.

## Negligence Suits Taken Away

At the present time, when the worker suffers an injury which is the result of activities by individuals or companies who are not the employer of the worker, and such exposure is a negligent activity of the third party, the worker is free to sue in the civil court system for the traditional damages of pain and suffering as well as for all lost earnings, past, present, and future, and medical bills, past, present and future. There is no ceiling on the amount of recovery permitted for such liability.

AB 1968 would destroy this right of suit. It provides (Section 3602) that "anyone who constructs, maintains, remodels, repairs, or does *other work* in connection with the premises" would be considered as another employee of the same employer, thereby eliminating practically all third party actions. It might even exempt manufacturers of machinery and equipment from liability for defects in their machinery (known as "products liability"). It clearly would do so for defects in installation on the employer's premises. The broad language is sufficient to be interpreted to come under "other work in connection with the premises of the employer . . ." and prevent suits against manufacturers of unsafe equipment, machinery, and/or materials used by the employee in his work activities. For example, a worker whose arm is cut off by a negligently installed machine would lose his present right to sue the installer (third party).

## Weakened Penalty for Unreasonable Refusal to Furnish Benefits

(To Page 6)

# The Mailbox

## A Worryless Old Age

To the Officers of General Teamsters Local No 137:

I joined Teamsters Local No. 962 in 1948, then on July 18, 1963, I transferred into General Teamsters Local Union No. 137 in Redding. I was employed by Fleuhers/Holsum for 25 years first as a relief driver, then driver salesman, then supervisor, then back to driver salesman. At the age of 48 I was disabled with a bad back. I have had three surgeries, two of which were laminectomys and the last in November 1974, which was a fusion.

After I had been disabled for a year my wife had major surgery and the Teamster Union's Insurance paid the total bill in full. I had a six-month Waiver of Premium on my Health and Welfare.

Since November 11 1973, I have not had to pay my dues because I have been on a Waiver of Premium so that I still have the \$1,000 life insurance in effect. The extra life insurance with Occidental for the bakery drivers is still in effect because of the Waiver of Premium that I received on February 5, 1974.

Since January 1, 1973 I have been receiving \$408.50 from the Western Conference of Teamsters' Pension Trust Fund. This was based on the 35 cents per hour contribution. I will be receiving this for life due to total disability.

If I had not been a member of the Teamsters Union I would have lost my home, my new pickup, my car, and I could not have sent my daughters to college. I would have probably had to go on welfare and food stamps. Social Security is not enough.

Due to the help and cooperation of Teamsters Local Union No. 137, my family can live equivalent to when I was working and we have been able to keep our daughters in college, our house, our car, and our pickup. Also as I now have retiree Health and Welfare coverage, I do not have to worry about my medical bills.

My wife and I have discussed what all the Union has done for us and we hope that this letter expresses at least a part of what we feel.

Fraternally,  
Kenneth W. (Tex) Williams

## Looking Towards Care-Free Retirement

Dear Messrs. Frank M. Burt and David E. Powell:

Last week I received my first Pension Check from the Western Conference of Teamsters' Pension Fund and I wish to express a sincere "Thank You" to you and to all of the staff of Local 665 whose untiring efforts through the years made the Pension Plan a reality for all of the members of Local 665.

Thanks to these efforts, my wife and I are now able to look forward to a happy and carefree retirement.

Respectfully,  
Archie E. Moses

## IN MEMORIAM

BREEDEN, LYLE A., Local 468, Oakland, Nov. 12.  
COLLINS, JOHN, Local 896, Hayward, Oct. 18.  
DAISS, CHARLES, Local 896, Oct. 24.  
GUEST, DON, Local 241, Aug. 25.  
FLORES, LOUIS J., Local 665, San Francisco, Nov. 19.  
LAWSON, EDWIN, Local 853, Oakland, Nov. 5.  
PILLOW, SYDNEY, Local 853, Nov. 5.  
REED, LEAL, Local 853, Nov. 4.  
SHAW, BENJAMIN, Local 853, Nov. 10.  
VARGAS, MANUEL, Local 853, Oct. 23.  
GOLDEN, FAY, Local 432, Oakland, Nov.  
RAMOS, GEORGE, Local 432, Nov.  
NOSENZA, JOHN (BUCK), Local 921, San Francisco, Nov. 18.

BERNARD, CALVIN, Local 750, Oakland, Oct. 18.  
PALMER, DESSIE, Local 750, Nov. 1.  
BETTENCOURT, ANTONE, Local 750, Nov. 2.  
WHITE, LULA, Local 750, Nov. 6.  
JOSEPH, IRVING, Local 665, San Francisco, Oct. 20.  
ANDREWS, JAMES, Local 85, San Francisco, Nov. 16.  
BARTHOLOMEW, JOHN, Local 85, Nov. 8.  
BYRNE, PHILIP, Local 85, Nov. 7.  
CADENASSO, LOUIS, Local 85, Nov. 9.  
DORAN, JAMES, Local 85, Oct. 23.  
GARCIA, JOHN W., Local 85, Nov. 1.  
LOWENSTEIN, FRANK, Local 85, Nov. 1.  
MIDYETT, NICHOLAS, Local 85, Nov. 7.  
ROSSI, JOHN, Local 85, Nov. 12.  
SCHRODER, EDWARD, Local 85, Nov. 10.  
SWENSON, DEWEY, Local 85, Nov.

## Bills Would Eliminate Compensation Benefits

(From Page 5)

At the present time an employer or insurance carrier who fails to promptly furnish needed medical treatment or compensation under clear-cut circumstances of industrial injury is subject to a penalty for such refusal and resistance.

Upon a finding of such unreasonableness a 10 per cent penalty is now applied to all compensation benefits; to wit, past and future temporary disability and permanent disability indemnity, as well as past and future costs of medical treatment, including the cost of self-procured medical treatment.

If AB 1968 is enacted, the penalty will be limited to 10 per cent of the period of default or failure of the employer to provide the requisite compensation or medical treatment. The reduced penalty will weaken the employee's ability to obtain prompt payment of benefits and will eliminate an important weapon from the arsenal of the injured worker.

### Increased Litigation, Delayed Benefits to Injured Worker, and Increased Costs of Attorneys' Fees

The proposed legislation would not only increase the burden of proof for liability in many ways discussed herein, but would increase the amount of litigation produced by the new structure, and thereby increase the cost of attorneys' fees for the additional services needed to protect injured workers and their families.

For example:

(a) The family of a deceased worker would have, in addition to the cost of proving a death case, the costs of resistance to attempts to terminate benefits by attack on dependency status two years after the death;

(b) In cumulative injury and occupational disease cases, the increased burden of proof would result in duels of medical experts, with the resultant lengthy and expensive hearings to complete the presentation of all relevant evidence. The imposition of a medical panel administratively, before the worker could even be heard in formal hearing, would require cross-examination of such medical panel members as well as the presentation of rebuttal medical evidence by the adversely affected party;

(c) In all wear and tear or cumulative trauma injuries, such as a herniated back disc, heart disease, stroke, mental condition, the battleground will be that of medical experts with opinions of causation and apportionment of the condition and disability for pathology. Again, additional trial time and effort will result in increased

cost of legal representation;

(d) At present, when the employer attempts to stop payment of temporary disability by a cessation notice, and the maneuver is successfully resisted by the employee's attorney, additional fees are awarded such attorney for his successful efforts and paid by the insurance company. AB 1968 deletes the provision for such attorneys' fees. The effect, therefore, is to cast the burden upon the employee; with such fees to be paid from his disability benefits;

(e) Similarly, when the employer files a petition to reduce permanent disability, and the employee's attorney successfully resists such attempt, at present, fees are awarded against the employer for the services of the employee's attorney. The proposed legislation is silent again, thereby eliminating the provision for fees in such a situation. The employee must pay the attorney's fees out of his own compensation benefits rather than have the attorney paid by the initiating party, the employer/insurance company;

(f) When permanent disability indemnity exceeds 25 per cent for pain, the employee must return to the Appeals Board two years after his disability award to establish that his pain factor is still present in sufficient severity to justify over 25 per cent disability. This necessitates an extra proceeding and, therefore, increases the cost of attorneys' fees in securing permanent disability;

(g) AB 1968 (Section 5700) creates additional expense for attorney services for the employee by requiring a pre-trial conference, an additional step in all cases of industrial injury. This new requirement will increase the time before an employee could get a determination of his rights, as well as add the cost of an additional appearance by his attorney in the pursuit of his rights for this injury. This provision was written by insurance company attorneys to increase fees, since defense

attorneys are paid for each and every step they take in handling the legal affairs of the insurance company. Procrastination is always the tool of the defense attorneys in promoting their own economic success, and serves the interests of the insurance industry by making receipt of benefits to employees difficult and expensive to obtain.

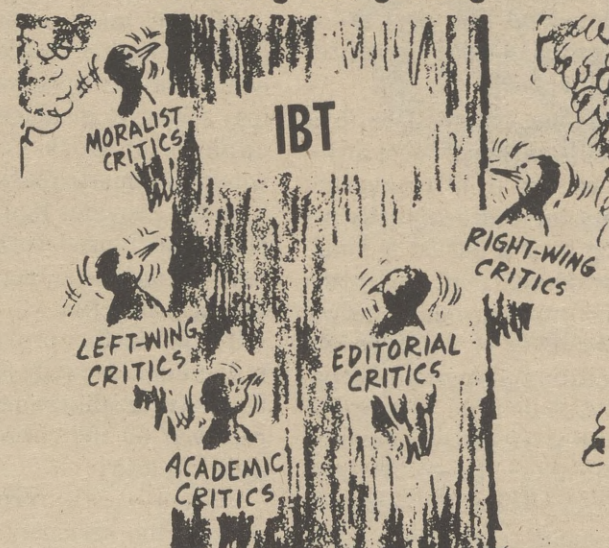
### Elimination of Liberal Construction of Workers' Compensation Laws

SB 924 and AB 1958 would repeal the requirement of liberal construction of the laws governing injured workers. The effect of such a change would be for the courts to favor the defendant employer or insurance industry in close cases.

The elimination of such guidance language would be construed as instructions from the Legislature to demand a greater burden in the establishment of industrial injuries. This would be particularly significant with the passage of the previously mentioned provisions restricting liability for cumulative trauma or industrial disease.

Enactment of such legislation would be the most regressive step since the system of compensation for industrial injury was created. At that time, injured employees sacrificed their right to claim actual damages, including full compensation for all past and future wages as well as to recover additional monies for the "pain and suffering" they sustained as a result of their industrial injuries. In return, the injured employee was to be included in a "no-fault" system and the statutes governing the benefit provisions were to be "liberally construed in favor of the injured worker." These bills will effectively destroy the benefits industrially injured employees received when this bargain was struck in the early part of the century and will leave injured workers and their families with a wholly unsatisfactory system of compensation for job injuries.

Still strong and growing



## "What's all this talk about the open shop?"

At the turn of the 20th century, perhaps the most popularly quoted personality in America was a certain "Mr. Dooley." Who was this man? He poked fun at pretense and hypocrisy; he made his mark by sharp criticism of social and economic injustice. He was a cartoon character created by Finley Peter Dunne.

Today, it takes an extra minute to read Mr. Dooley's comments because they are written phonetically, with an added touch of Irish. But they are still worth reading. Mr. Dooley's comment to his friend, Hennessy, about the open shop rings especially true. Whether it is called an "open shop" or a "right-to-work-for-less" law, the bottom line is the same; as Mr. Dooley says, it means "no strikes, no rules, no contracts, no scales, hardly any wages, an' damn few members."



"What's all this talk that's in the paper about this open shop?" asked Mr. Hennessy.

"Why don't you know?" said Mr. Dooley. "Really, I'm surprised at yer ignorance, Hinnissy. What's th' open shop? Sure, 'tis a shop where they kape the door open t' accommodate th' constant stream of min commin' in t' take jobs cheaper thin th' min that has th' jobs."

"'Tis like this, Hinnissy. Suppose one av these free-born citizens is wurkin' in an open shop for th' princely wage av wan large iron dollar a day for tin hours. Along comes another free-born son-av-a-gun, an he sez ta th' boss, 'I think I kin handle th' job for 90 cents.'

"Sure, sez the boss an' th' wan-dollar man gets th' merry jingling can an' goes out into the crool world t' exercise inalienable roights as a free-born American citizen t' scab on some other poor devil. An' so it goes, Hinnissy."

"An', who gets th' benefit? True it saves th' boss money, but he don't care no more for money thin he does fer his roight eye. It's all principle wid him. He hates t' see th' min robbed of their indipindence. They must have their indipindence, regardless of anything else."

"But," said Mr. Hennessy, "these open-shop min ye men-shun say they are fer th' unions if properly conducted."

"Sure," said Mr. Dooley, "if properly conducted. An' there you are. An' how would they have thim conducted? No strikes, no rules, no contracts, no scales, hardly any wages, an' damn few mimbers."

## Tension Calls for Change

By Marion Wells  
Research Director, American Physical  
Fitness Research Institute

Stores used to sell a little card that said, "The Hurrieder I Go, The Behinder I Get." Have you ever felt caught in that trap and wondered how come?

It's been observed that performance and output tend to fall off as fatigue sets in. Tension

has a way of building as tiredness does. The very time you're feeling too pushed to pause may be when you most need a change of pace.

So it pays to try a "secret strategy" some famous world leaders have used: the brief daily pause that relaxes. According to Benjamin F. Miller, M.D., many could increase ef-

iciency and probably prolong our lives "... if we managed to take breaks during the day and take them without guilty consciences."

The late Winston Churchill and Franklin D. Roosevelt were masters of the five-minute nap. Napping is just one of many ways to take a breather before the rat race runs you ragged.

Relaxation requirements vary. What counts is what works for you.

### T A R P Teamsters Alcoholic Rehabilitation Program Art O'Flanagan

#### DIRECTOR

JOINT COUNCIL, No. 7 HAS IN OPERATION A  
PROGRAM TO COMBAT THE DISEASE OF  
ALCOHOLISM IN THE TEAMSTERS MOVEMENT

If your job, health, family situation or financial status is being affected by the disease of alcoholism and you desire help, we strongly urge you to take advantage of the assistance that is available to you.

The program is called Teamsters Alcoholic Rehabilitation Program (T.A.R.P.), and is located at 275 Valencia St., San Francisco, California 94103. The telephone number is (415) 626-3514, and is in operation twenty-four hours a day, seven days a week. All inquiries about the program will be held in the strictest confidence.

#### BACKTRACKING

Relative to our November  
issue:

- Local 256 officials mentioned in the lead story on the NLRB decision are President & Executive Officer George Dillon and Secretary-Treasurer Albert Velez.

- Through inadvertence, obituary of the late Kenneth Warde did not mention two surviving daughters: Nancy Warde and Diane Warde.

## Your Rights under OSHA

The Occupational Safety and Health Act of 1970 is one of the most important of recently passed laws having a direct effect on workers. Its specific purpose is to provide workers all over the nation with a uniform set of safety standards for the purpose of improving the work environment. It covers 62 million workers, including those in agriculture. The Act protects all employees in the private sector except where they are covered by other federal legislation (mining, atomic energy, some railroad operations). Federal, state and local government workers are covered under separate provisions of OSHA.\*

The following are rights of workers under P.L. 91-596:

1. To a workplace free of known violations of federal safety and health standards.
2. To file a complaint with OSHA or its state administrative agency, or ask the union to file one on the employee's behalf. Further, the employee has a right to remain anonymous if desired.
3. To secure an inspection of a workplace on an imminent danger or in response to a valid written complaint. This inspection must be held within a reasonable period of time after receipt of the complaint.
4. To elect (through his employee organization) an employee representative, and to have the employee representative accompany the OSHA officer in the walk-around inspection of the establishment.
5. To give information to the OSHA officer concerning alleged hazards and safety violations in the workplace, and to meet privately with the OSHA officer to discuss results of the inspection.
6. To be informed by the OSHA officer if exposed to an imminent danger of occupational health hazards involving possibility of death or serious injury. To see publicly posted notices of OSHA citations of safety violations in the workplace. To receive copies of citations and proposed penalties upon request. To observe and have access to results of required occupational health studies conducted by the employer or OSHA representatives.
7. To file a complaint with federal OSHA authorities if a state agency fails to administer a state program as effectively as required by OSHA. To appeal to the Secretary of Labor, and ultimately to Federal court, if OSHA fails to carry out its mission in a responsible and timely manner.
8. To be notified if the employer seeks a variance, with the right to appeal any variance granted by OSHA. To contest the length of the hazard abatement period granted the employer by OSHA or its state administrative agency.
9. To request an informal review of an OSHA officer's refusal to issue a citation, or any other issue related to an inspection, citation, notice of proposed penalty, or notice of intention to contest a citation. To receive a written statement as to why a citation was not issued in particular instances.
10. To file a complaint with OSHA (within 30 days) if an employee has been discriminated against as a result of exercising his or her rights under OSHA.
11. To appeal any decision of the OSHA Review Commission (within 60 days of its order).

The following are responsibilities of workers under P.L. 91-596:

1. To report hazardous conditions, and to report any job-related injuries or illnesses to the employer. To seek medical treatment promptly when injured or disabled.
2. To follow all employer safety and health rules and regulations. To wear and use prescribed protective equipment. OSHA cannot penalize employees, but the employer may reprimand, suspend or dismiss employees for violation of rules.
3. To exercise employee rights under OSHA in a responsible manner.

\*Summarized by Professor George Hagglund, University of Wisconsin.



—From Our Man in Sacramento—

## California Teamsters Legislative Report

By Gerald O'Hara, Legislative Representative

Following, continued from last issue's column, are more bills which will become law on January 1, 1978.

### GOVERNMENTAL AGENCIES

**Economic and Business Development Equals Jobs—SB 28 by Senator John Holmdahl (D)** Castro Valley abolishes the Department of Commerce and the Division of Economic Development. In their place, the bill creates the Department of Economic and Business Development in order to consolidate existing state economic development efforts and formalize relationship between federal, state and local economic development programs. The new department should provide better administration and coordination of such programs.

**Constitutionality rulings by State Boards and Commissions** would not be permitted under **Senate Constitutional Amendment 25**, also by **Senator Holmdahl**. Senator Holmdahl's legislation would prevent bodies such as the Public Utilities Commission and the Alcoholic Beverage Control Appeals Board from declaring a statute unconstitutional, as they have in the recent past. The Teamsters supported this effort to keep such issues in appeals courts, where they belong.

**Bilingual services** in governmental agencies will be improved for the non-English speaking with the approval of Teamster-supported **AB 1258 by Assemblyman Richard Alatorre (D)** Los Angeles.

### TAXATION

**Senior Citizen Tax Deferment—AB 1070 by Assemblyman Fred Chel (D)** Long Beach gives California homeowners, 62 and older, who make no more than \$20,000 a year, the option to defer their property taxes until after they die, at which time the state will take a lien on their homes to collect the amount due. This bill takes effect immediately as it had an urgency clause.

**Taxation of labor's lobbying expenditures** in behalf of their members will be prevented with the implementation of **SB 1099 by Senator Omer Rains (D)** Ventura. Teamsters supported this bill to retain tax exemption for those expenditures. The bill takes effect immediately as it had an urgency clause.

### DRUNK DRIVING

**Convicted drunk drivers need not lose their license** under the provisions of Teamster-supported **SB 38 by Senator Arlen Gregorio (D)** Menlo Park. The bill extends statewide a four county pilot project which offers **rehabilitation rather than license suspension** for those convicted.

### AND MEANWHILE. . . .

The California Legislature, in recess, has been considering numerous issues at Interim Hearings throughout the state. Although the regular session does not begin again until January, recent interim hearings have been the subject of very controversial legislation which may be acted upon then.

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**Unemployment Insurance restrictions on eligibility** still threatens with the Brown Administration's Director of Employment Development neither affirming nor denying the Administration's backing of a "Ten-Weeks-of-Work" test which would disqualify 78,000 California Workers who now qualify for benefits. The seasonal food processing and cannery workers would be hard-hit by such a test with as many as 12,000 workers disqualified. Construction workers and Movie Industry workers are also very adversely affected by such a test. This office has been coordinating a letter-writing and petition-gathering effort and communicating Teamster opposition to restrictions on eligibility. **The response has been great!** General petitions with hundreds of signatures have been circulated and are on their way to Governor Brown. The Governor has been advised in writing of the serious impact on Teamster Members and on all union-organized members in the state; the better-paid worker is more adversely affected than the lower-paid worker who is probably not a member of a union. The proposal would affect a far larger percentage of young workers and black workers than any other group. **There is time to write to the Governor if you have not.** Other labor unions have joined the Teamsters fight and the proposal **can be stopped** if you act now by expressing your opposition to the Governor and your local state legislator. There is no need for such a restriction at this time with the Unemployment Insurance Fund on the rise and employers soon going on the lower tax base.

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**Overtime is another controversial subject** which has been heard at a thorough Interim Hearing by the Senate Industrial Relations Committee. Senator Bill Greene (D) Los Angeles, Chairman. The Committee heard testimony from scores of witnesses from labor and management with little agreement noticeable. **AB 1295 by Assemblyman Tom Bates (D)** Oakland was the central focus of the hearing. Assemblyman Bates' bill would prohibit employers from terminating employees for refusing to work overtime. The bill has passed the Assembly but was stalled in the Senate Industrial Relations Committee. The new composition of the Committee could move the bill along once they return from recess. Great interest from all workers has been expressed on behalf of the bill's passage. It's likely that certain conditions in particular industries will have to be addressed by the Industrial Welfare Commission should the bill be passed. Secretary-Treasurer Oliver Jackson of Cannery

Workers Local 746 in Kingsburg and Secretary-Treasurer Jack Bookter of Retail Delivery Drivers Local 278 in San Francisco, testified in favor of the bill and Secretary-Treasurer Phil Maloney of Dairy Employees Local 93 in Los Angeles delivered a petition to the Committee in favor of the bill. **Now is the time to express your interest** in a prohibition on mandatory overtime to your State Senator and particularly to the Members of the Senate Committee on Industrial Relations.

The members are: Senators **Bill Greene (D)** Los Angeles (Chairman), **Dennis E. Carpenter (R)** Newport Beach, **Ray Johnson (R)** Chico, **James R. Mills (D)** San Diego, **Alan Robbins (D)** Van Nuys, **Newton R. Russell (R)** Montrose, **Alan Sieroty (D)** West Los Angeles.

Address your communications to State Capitol Building, Sacramento, California 95814.

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**Workers' Compensation hearings** have been ongoing under the direction of the Assembly Subcommittee on Workers' Compensation, Assemblyman Richard Robinson (D) Santa Ana, Chairman. Teamsters have offered testimony on two occasions with Attorney Steven Roseman skillfully assisting on legal-technical matters. The adequacy of benefits was attacked as was the threat against adequate legal representation in this all-too-legalistic program. The employers and carriers have taken what was designed as a simple system and with legal challenges have forced more and more cases into the contested column; workers have no choice but to seek the best legal representation to defend their benefits.

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**Administrative Adjudication** as proposed by **AB 1068 by Assemblyman Vic Fazio (D)** Sacramento has been the subject of several meetings with the Department of Motor Vehicles. The DMV still is set on eliminating a driver's right to a day in traffic court and instead wants civil service employees to handle such matters. They've proposed this as a "Pilot Study" in the Sacramento area after they couldn't get it accepted as a statewide program. **Teamsters opposed the loss of a court trial and haven't found even the pilot study acceptable.** Obviously, pilot projects rarely lead but to statewide policy. The bill is before the Assembly Criminal Justice Committee. All are urged to write to the members urging defeat of **AB 1068 (Fazio)**.

The members are: Assemblymen **Kenneth L. Maddy (R)** Fresno, Chairman, **Richard Alatorre (D)** Los Angeles, **Paul T. Bannai (R)** Gardena, **Julian Dixon (D)** Los Angeles, **Terry Goggin (D)** San Bernardino, **John Knox (D)** Point Richmond, **Mel Levine (D)** Los Angeles, **Bruce Nestande (R)** Orange, **Michael Roos (D)** Los Angeles.

Address your communications to State Capitol Building, Sacramento, California 95814.

## Watch Out—the 'Danger Days' Are Upon You

You are in the midst of what Attorney General Evelle J. Younger calls "Danger Days"—the period between Thanksgiving and New Year's Day.

And here's some advice from him for the season:

#### For Shoppers

- Always place purchases in

the automobile trunk, lock the car and close the windows.

- Hold purchases tightly to prevent their being taken.
- Hold on to your purse.
- Don't forget to get back your credit card from the sales clerk.

#### For Drivers

- Make plans to have someone drive you home if you plan to drink at parties.
- Make sure your car is mechanically sound and the

windows clean and clear of obstruction.

- Be patient in heavy traffic and leave for your destination early enough to allow for delays.
- Don't follow the car ahead of you too closely.
- Avoid changing lanes except when necessary.
- Watch the cars ahead of you and behind you.
- Always be on the alert for pedestrians and cars entering

the roadway from the side streets and parking areas.

#### For Pedestrians

- Cross only at corners and keep to the right in the crosswalk.
- Cross only on proper signals.
- Look both ways before crossing and be sure the way is clear.

- Watch for turning cars from both the left and the right.

- Never enter a street or roadway from between parked cars.

- Walk on the left side facing the traffic, where there are no sidewalks and you have to walk on the roadway.

Come to think of it, all of that's good advice to follow for the rest of the year.